

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

TIM HICKENBOTTOM,)	
)	
Plaintiff,)	
)	
vs.)	No. CIV-14-645-C
)	
JERRY NILES, et al.,)	
)	
Defendants.)	

ORDER AFFIRMING REPORT AND RECOMMENDATION

This civil rights action brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Gary M. Purcell, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Purcell entered a Report and Recommendation on March 25, 2015. Plaintiff has mailed a letter to Judge Purcell asking him to explain his Report and Recommendation, but has not objected to or contested the Recommendation in any respect. As the court file reflects that no party has objected to the Report and Recommendation within the time limits prescribed, the Court will adopt the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation of the Magistrate Judge (Dkt. No. 41) is adopted and the Motion to Dismiss by Defendants Niles, Bradley, Stanley, and Winchester (Dkt. No. 30) is DENIED with respect to the issue of exhaustion of administrative remedies, but GRANTED and DISMISSED WITHOUT PREJUDICE as to these Defendants pursuant to Fed. R. Civ. P. 12(b)(6) for failure to state a claim. The Motion for Summary Judgment

by Defendant Gay (Dkt. No. 27) is DENIED with respect to exhaustion of administrative remedies, but GRANTED in favor of Defendant Gay and against the Plaintiff with respect to Plaintiff's claim against Defendant Gay in Ground II of the Complaint. A judgment shall enter accordingly.

IT IS SO ORDERED this 4th day of May, 2015.



ROBIN J. CAUTHRON
United States District Judge